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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/823,246

04/12/2004

Xuemin Fang

4065

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EXAMINER

LEE, WILSON

ART UNIT

PAPER NUMBER

2163

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

04/05/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

# Office Action Summary

Application No.

10/823,246

Applicant(s)

FANG

Examiner

Wilson Lee

Art Unit

2163

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 11 January 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 5-8 is/are rejected.
- 7) ☒ Claim(s) 4 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

### **Remarks**

Applicant's arguments with respect to claims 1-8 have been considered but are moot in view of the new ground(s) of rejection.

### **Claim Rejections – 35 U.S.C. 101**

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 6-8 rejected under 35 U.S.C. 101 because the disclosed invention fails to disclose that the method is being executable by a processor or computer therefore it is inoperative.

### **Claim Rejections – 35 U.S.C. 102**

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1-3, 5-8 are rejected under 35 U.S.C. 102(e) as being anticipated by Barry et al. (US publication 20040205659).

Regarding Claim 1, Barry discloses a system for posting records in customs, the system comprising a plurality of client computers, an enterprise server, a database and a customs server, wherein:

- the client computers provide interfaces for users to maintain information on an enterprise, contracts, materials and customs (See paragraphs 0004, 0033, 0036, 0037, 0038);
- the enterprise server receives and handles input information, generates records for posting in customs, and transmits the records to the customs server (See paragraphs 0043-48, 0052-64 and figs), the enterprise server comprising:
  - o an information maintaining module for adding, modifying, inquiring and deleting the information (update) on the enterprise, contracts, materials (See paragraph 0004) and
  - o a records posting module for generating records for posting in customs according to the information on the enterprise, contracts and materials, for transmitting the records to the customs server, and for storing the records in a database (See paragraphs 0033-0043); and
  - o a customs data synchronizing module for synchronizing customs information stored in the database based on the content of feedback

- from the customs server, and for updating corresponding records accordingly (See paragraphs 0002-0007, 0035, 0040, 0047, 0050);
- the database stores configured information on the enterprise, contracts, materials and customs, generated records, and customs feedback (See paragraphs 0033-0043); and
  - the customs server receives the records transmitted by the enterprise server, and transmits the feedback on the records to the enterprise server (See paragraphs 0005-0012, 0040, 0044).

Regarding Claim 2, Barry discloses that the enterprise server further comprises a system configuring module for initializing the system (by administrator 38).

Regarding Claim 3, Barry discloses that the enterprise server further comprises an information enquiring module for enquiring of statuses of the records (through input device or interface) (paragraphs 0033, 0049).

Regarding Claim 5, Barry discloses that the statuses of the records comprise unrecorded records, recorded records, and the records which have been fed back by the customs server (See paragraphs 0035, 0040).

Regarding Claim 6, Barry discloses a method for posting records in customs, the method comprising the following steps:

- providing a system for monitoring and maintaining information on an enterprise, contracts, materials and customs (See paragraphs 0004, 0033, 0036, 0037, 0038 and figs);

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- enquiring of a status of information on the enterprise, contracts and materials, and determining whether corresponding records for posting in customs have been generated (See paragraphs 0002-0007, 0035, 0040, 0047, 0050);
- generating any corresponding records that have not been generated (update records) (See paragraphs 0035, 0040);
- transmitting the records to the customs server, and storing the records in the database (See paragraphs 0033-0043); and
- receiving and storing feedback on the records from the customs server, determining whether the records needs to be modified as a result of the feedback, and synchronizing customs information and modifying the records accordingly if modification is needed. (See paragraphs 0005-0012, 0033-0044);

Regarding Claim 7, Barry discloses the method further comprising the step of updating the statuses of the records (update records) (See paragraphs 0035, 0040).

Regarding Claim 8, Barry discloses that the feedback on the records from the customs server (updated record) comprises one or more notices of error in the content and/or format of a record, and/or one or more notice of acceptance of a record (See paragraphs 0035, 0040).

#### **Allowable subject matter**

Claim 4 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### Correspondence

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Wilson Lee whose telephone number is (571) 272-1824.

Papers related to the application may be submitted by facsimile transmission. Any transmission not to be considered an official response must be clearly marked "DRAFT". The official fax number is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Wilson Lee', written over a horizontal line.

Wilson Lee  
Primary Examiner  
U.S. Patent & Trademark Office

4/1/07